

REMARKS

In the Office Action, the Examiner rejected claims 1-15, 17-48, 50-98, and 110-121. However, for the reasons set forth below, Applicants respectfully submit that all of pending claims 1-15, 17-48, 50-98, and 110-121 are allowable in their present form. Applicants respectfully request reconsideration of the above-referenced application in view of the following remarks.

Rejections Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1, 2, 4-6, 11-15, 17-23, 25-27, 30, 31, 33, 35, 36, 41-48, 50-53, 59-69, 75-80, 83-85, 89-93, and 95-98 under 35 U.S.C. § 103(a) as unpatentable over Reichmeyer et al. (U.S. Patent No. 6,286,038) in view of Hamner et al. (U.S. Patent No. 6,076,106); claims 3, 7, 9, 10, 34, 38, 40, 70, 71, 73, 74, 86, 88, and 94 under 35 U.S.C. § 103(a) as unpatentable over Reichmeyer et al. in view of Hamner et al. and Caswell et al. (U.S. Patent No. 6,336,138); claims 24, 32, 54-57, 58, 81, and 82 under 35 U.S.C. § 103(a) as unpatentable over Reichmeyer et al. in view of Hamner et al. and Li et al. (U.S. Patent No. 6,012,088); claims 8, 39, 72, and 87 under 35 U.S.C. § 103(a) as unpatentable over Reichmeyer et al. in view of Hamner et al., Caswell et al., and Morisada et al. (EP 0964546 A2); claims 28 and 29 under 35 U.S.C. § 103(a) as unpatentable over Reichmeyer et al. in view of Hamner et al. and of Tonelli et al. (U.S. Patent No. 6,229,540); claim 37 under 35 U.S.C. § 103(a) as unpatentable over Reichmeyer et al. in view of Hamner et al. and Pike (U.S. Patent No. 6,721,880); and claims 18 and 110-121 under 35 U.S.C. § 103(a) as unpatentable over Reichmeyer et al. in view of Hamner et al. and Bonasia et al. (U.S. Patent No. 6,901,439). Applicants respectfully traverse these rejections.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce

the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

Omitted Features of Independent Claims 1, 33, 51, and 79

Applicants respectfully note that the Reichmeyer et al. and Hamner et al. references fail to disclose each element of independent claims 1, 33, 51, and 79. For instance, independent claim 1 recites “initiating a *sensory identification event* to identify the computing device” (emphasis added). Further, independent claim 33 recites “triggering a *sensory identification event* to identify the desired device” (emphasis added). Additionally, independent claims 51 and 79 recite elements that facilitate identification of a device via a “sensory identification event.” Because the cited references fail to disclose such elements, the cited references cannot support a *prima facie* case of obviousness with respect to independent claims 1, 33, 51, and 79.

Applicants respectfully remind the Examiner that, during patent examination, the pending claims must be given an interpretation that is *reasonable* and *consistent* with the specification. *See In re Prater*, 162 U.S.P.Q. 541, 550-51 (C.C.P.A. 1969); *see also In re Morris*, 44 U.S.P.Q.2d 1023, 1027-28 (Fed. Cir. 1997); *see also* Manual of Patent Examining Procedure §§ 608.01(o) and 2111. Moreover, any interpretation of the claims *must be consistent with the interpretation that those skilled in the art would reach*. *See In re Cortright*, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999); *see also* Manual of Patent Examining Procedure § 2111.

Applicants certainly appreciate the difficulty faced by the Examiner in interpreting the claims in view of the specification without improperly importing limitations from the specification into the claims. However, Applicants respectfully note that the Federal Circuit, sitting *en banc*, recently provided a summary and additional guidance regarding the proper interpretation of claims in view of the specification. *See Phillips v. AWH Corp.*, No. 03-1269, -1286 (Fed. Cir. 2005). In *Phillips*, the Federal Circuit again emphasized the primacy of the specification in claim interpretation. Particularly, the *Phillips* court noted that the specification “is always highly relevant to the claim construction analysis. Usually, it is dispositive; *it is the single best guide to the meaning of a disputed term.*” *Phillips*, slip op. at 13 (quoting *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996)) (emphasis added). Moreover, the court also noted that:

Ultimately, the interpretation to be given a term can only be determined and confirmed with a full understanding of what the inventors actually invented and intended to envelop with the claim. The construction that stays true to the claim language *and most naturally aligns with the patent’s description of the invention* will be, in the end, the correct construction.

Phillips, slip op. at 15 (quoting *Renishaw PLC v. Marposs Societa’ per Azioni*, 158 F.3d 1243, 1250 (Fed. Cir. 1998)) (emphasis added). In view of this binding legal precedent, Applicants respectfully submit that the claim interpretation provided in the Office Action mailed July 7, 2005, extends beyond the reasonable interpretation that would be afforded the claims by one skilled in the art in view of the specification.

Particularly, after acknowledging the deficiencies of the Reichmeyer et al. reference in the Office Action, the Examiner suggested that the Hamner et al. reference discloses the act of initiating a sensory identification event to identify the computing device. *See Office Action* mailed January 25, 2005, page 4. Specifically, the passage of

the Hamner et al. reference cited by the Examiner discloses a logical view 200 of a network. Hamner et al., Col. 4, lines 10-24. As illustrated in FIG. 2A, the logical view 200 includes a device window 201 for displaying icons 205-208 and 210 and names corresponding to devices or device groups on the network. *Id.* The reference also notes that icons associated with device groups may be double-clicked to expand the device group and display devices within the device group. *Id.* In other words, this passage of the Hamner et al. reference merely teaches that a logical view of a device group can include the names of the devices in the group.

Applicants respectfully note that the mere double-clicking of an icon associated with a group of devices to display the individual devices cannot be reasonably equated with a “sensory identification event” as recited in the present claims. Applicants note that FIG. 3 of the instant application also illustrates a logical view of a group of devices in column 176. *See also* Application, page 22, line 9 – page 24, line 2. However, the present specification clearly distinguishes between the mere listing of the devices, such as disclosed in the Hamner et al. reference, and the *identification* of a device, such as through communication of an identification signal over the network between the device and a display. *See id.* Specifically, as disclosed in the present specification, such identification may distinguish a device from other devices in a device list. *See id.* Further, a sensory identification event, such as the lighting of an LED on a device or a UID identifier 184 in a display, is initiated to facilitate physical identification of the device.

Because the present disclosure draws a clear distinction between listing a number of devices and initiating a sensory identification event to identify a desired device, any assertion that the mere listing of devices taught by Hamner et al. is “a sensory *identification* event” is incongruous with both the interpretation that would be afforded by one skilled in the art and the binding legal principles established by Federal Circuit precedent in cases such as *Phillips*, *Vitronics*, and *Renishaw*. Consequently, the Hamner

et al. reference fails to teach this feature. Further, the Reichmeyer et al. reference fails to obviate the deficiencies of the Hamner et al. reference. As a result, the combination of the Reichmeyer et al. and Hamner et al. references cannot support a *prima facie* case of obviousness with respect to independent claims 1, 33, 51, and 79.

Omitted Features of the Dependent Claims

As discussed above, the Reichmeyer et al. and Hamner et al. references fail to disclose or to suggest each element of independent claims 1, 33, 51, and 79. Further, the Li et al., Caswell et al., Morisada et al., Tonelli et al., Pike, and Bonasia et al. references fail to obviate the deficiencies of the Reichmeyer et al. and Hamner et al. references. Consequently, dependent claims 2-15, 17-32, 34-48, 50, 52-78, 80-98, and 110-121 are allowable on the basis of their dependency from a respective allowable independent claim, as well as for the subject matter recited by each dependent claim. Accordingly, Applicants respectfully request withdrawal of the Examiner's rejection and allowance of these dependent claims.

Further, Applicants respectfully submit that the prior art of record also fails to disclose or suggest the subject matter separately recited in a number of the dependent claims. For instance, dependent claims 110-121 recite features absent from the cited references. Specifically, claims 110 and 114 generally recite enabling user interaction with a computing device to activate a unit identification indicator *in a graphical user interface of a remote display*. Claims 116 and 120 recite a physical triggering mechanism and device identification module, respectively, configured "to activate a unit identification indicator *in a graphical user interface*" (emphasis added). Further, claim 112 recites "permitting selection of the computing device via a graphical user interface to trigger sensory output from the computing device," while claim 115 recites "permitting selection of the desired device via a graphical user interface to activate a light of the desired device." Claims 118 and 121 generally recite elements configured to trigger a sensory output event upon selection of a desired device from a graphical user interface.

Claims 111, 113, 117, and 119 recite additional features missing from the prior art of record.

In the Office Action, the Examiner indicated that the subject matter recited in dependent claims is absent from the Reichmeyer et al. and Hamner et al. references. The Examiner relied on the Bonasia et al. reference to overcome these deficiencies. As may be appreciated, the Bonasia et al. reference is generally directed to adding a device to an electrical network. Bonasia et al., col. 1, lines 12-16. The particular passage relied upon by the Examiner discloses a device having an install button and a status indicator, such as an LED. *Id.* at col. 4, lines 9-15. Once the device is physically connected to a network, a user may press the button to logically connect the device to the network, while the LED on the device provides an indication of the status of the installation. *Id.* at col. 4, lines 15-18; *see also id.* at col. 3, lines 50-61. In other words, the Bonasia et al. reference teaches a device having a button that may be depressed for configuring the device and a light *on the device* that indicates whether the device has been configured.

Applicants respectfully note that the mere teaching of a device including a button and a light by Bonasia et al. cannot be logically equated with the subject matter recited in claims 110-121. For instance, it is unclear what portion of this passage the Examiner believes discloses activation of “a unit identification indicator in a graphical user interface” as recited by several of the instant claims. Applicants respectfully note that the status indicator or LED of the reference is located on the device itself and is not an indicator in a graphical user interface. Further, a status indicator or light on the device, which activates upon depressing a button *also on the device*, cannot be reasonably considered “selection of the computing device *via a graphical user interface to trigger sensory output* from the computing device” (emphasis added), as recited in claim 112, for instance. Thus, the modified device proposed by the Examiner would, at best, merely provide a status indicating light activated via a button on the device. Still further, the Office Action does not provide any rationale as to why one skilled in the art would be

motivated to alter the activation mechanism for the status indicator from a physical button on the device to a signal transmitted as a result of selecting the device from a remote display.

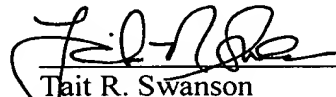
For these reasons, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103 and allowance of claims 1-15, 17-48, 50-98, and 110-121.

Conclusion

In view of the remarks set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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